

United States Attorney
Southern District of New York86 Chambers Street
New York, New York 10007

ORIGINAL

August 22, 2008

BY FAXHonorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007-1312Re: Joseph Ruckman v. Astrue
08 CV 2528 (VM)

Dear Judge Marrero:

This Office represents the Commissioner of Social Security, defendant in this action. I write respectfully to advise the Court of recent events and to request an extension of the briefing schedule.

Pursuant to the Court's order of July 21, 2008, defendant's motion is due Monday, August 25, 2008. While preparing the Government's brief in this case, I encountered an issue that required additional communication with the Agency. As a result, the Commissioner is reconsidering his position in this case. Accordingly, I request a thirty-day extension of time in which to file defendant's motion, to September 24, 2008; a thirty-day extension of time to file plaintiff's opposition and any cross-motion, to October 27, 2008; and a thirty-day extension of time to file defendant's reply, to November 10, 2008. A proposed revised briefing schedule is enclosed. This is the Government's first request for an extension. I have attempted to obtain plaintiff's consent to this request, but I have been informed that his attorney is not available until Monday.

Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
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Request GRANTED. The briefing schedule with regard to the motion <u>for judgment on the pleadings</u> herein is extended as set forth herein: motion papers submitted by <u>9-24-08</u> ; response/cross motion <u>10-27-08</u> ; reply <u>11-10-08</u> .	
SO ORDERED.	DATE <u>8-25-08</u>
VICTOR MARRERO, U.S.D.J.	

cc: Anne K. Callagy, Esq.